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NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 16th July 1960 :—

Issue No.	No. and date	Issued by	Subject
136	S.O. 1717, dated 10th July, 1960.	Ministry of Home Affairs.	Extension to every part of the Special Police District, the powers and jurisdictions of all members of the police force of the Union territory of Delhi.
137	S.O. 1718, dated 11th July, 1960.	Ministry of Commerce & Industry.	Authorising Shri S. C. Banerji, Dev. Officer, Min. of C. and I. to take over the management of the India Electric Works Ltd., Calcutta.
138	S. O. 1719, dated 11th July, 1960.	Ministry of Transport and Communications.	The Motor Vehicles (Third Party Insurance) Amendment Rules, 1960.
139	S. O. 1720, dated 11th July, 1960.	Ministry of Law.	Declaration containing the name of the candidate elected in the constituency referred to therein.
140	S. O. 1721, dated 11th July, 1960.	Ministry of Steel, Mines and Fuel.	Amendment to S.R.O. 1185, dated 2nd April, 1957.
141	S.O. 1722, dated 12th July, 1960.	Do.	Powers in relation to Petroleum products shall also be exercisable by the State Govt. of Bihar and other officials given therein.
	S.O. 1723, dated 12th July, 1960.	Do.	Powers in relation to Petroleum Products (other than Kerosene) shall also be exercisable by the State Govt. of Orissa and other officials given therein.

Issue No.	No. and date	Issued by	Subject
142	S.O. 1724, dated 13th July, 1960.	Ministry of Transport and Communications.	Appointing 15th July, 1960 on which the Motor Vehicles (Amendment) Act, 1960 shall come into force.
142-A	S.O. 1724-A, dated 13th July, 1960.	Ministry of Home Affairs.	Declaration that Supply of electric energy etc. to be an essential service.
	S.O. 1724-B, dated 13th July, 1960.	Do.	Prohibiting strikes in any service connected with the supply of electricity etc., with reference to S.O. 1724-A above.
143	S.O. 1784, dated 13th July, 1960.	Ministry of Information and Broadcasting.	Approval of the films specified therein.
144	S.O. 1785, dated 16th July, 1960.	Election Commission, India.	Calling upon the elected members of the Legislative Assembly of Uttar Pradesh to elect a person to fill a vacancy caused by the death of Shri Balkrishna Sharma.
	S.O. 1786, dated 16th July, 1960.	Do.	Appointing dates etc. for the above election (S.O. 1785).
	S.O. 1787, dated 16th July, 1960.	Do.	Designating the Secretary, U.P. Legislature, to be the Returning Officer for the above election (S. O. 1785).
	S.O. 1788, dated 16th July, 1960.	Do.	Appointing the Secretary, U.P. Legislative Assembly to assist the Returning Officer for the above election (S.O. 1785).
	S.O. 1789, dated 16th July, 1960.	Do.	Fixation of hours for the election referred to in S.O. 1785.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

MINISTRY OF HOME AFFAIRS

New Delhi-11, the 13th July, 1960.

S.O. 1792.—Whereas the places specified in the Schedule annexed hereto are used for works for purposes of a public character;

And whereas information with respect to, or the destruction or obstruction of, or interference with, the said places would be useful to an enemy;

Now, therefore, in pursuance of sub-clause (d) of clause (8) of section 2 of the Indian Official Secrets Act, 1923 (19 of 1923), the Central Government hereby declares the places specified in the said Schedule to be prohibited places for the purposes of the said Act.

SCHEDULE

Name of place	Locality Village	Thana (Police Station)	Taluk	District	Boundary or other description
1	2	3	4	5	6
I—PALLIVASAL HYDRO-ELECTRIC PROJECT					
A—Sethupara— vathipuram Dam.	Pallival	Devicolam	Devicolam	Kottayam	The area bounded by the junction of the approach road to the left flank of the Dam with the top station road on the south, boundary of the Government land on the west, junction of the approach steps to the office buildings with the approach road to Dam on right flank, on the north and the heel of the Dam on the east.
B—Madupatty Dam	Do.	Do.	Do.	Do.	The area bounded by the approach road to the Dam on the right bank on the west, the heel of the Dam on the north, boundary of the Government land below the K.D.H. P. Company's Nethimede road on the east and the line touching the storeyard and connecting the limits of the east and west boundaries on the south.
C—Ramaswamy Iyer Head Works.	Do.	Do.	Do.	Do.	Area comprising the Weir (Head Works) and open intake channel including Tunnel Portal excluding the Park.
II—SENGULAM HYDRO-ELECTRIC PROJECT					
Sengulam Balancing Reservoir.	Vellathuval	Do.	Do.	Do.	The whole water spread of the Reservoir and the area surrounding the Power Channel No. 2, inlet of Tunnel No. 2, exit of Tunnel No. 1 and the Dam.

[No. 21/38/60-Pol(I).]

N. SAHGAL, Jt. Secy.

New Delhi, the 18th July 1960

S.O. 1793.—In exercise of the powers conferred by section 3 of the Foreigners Act, 1946 (31 of 1946), the Central Government hereby makes the following further amendments in the Foreigners Order, 1948, namely:—

1. This Order may be called the Foreigners (Amendment) Order, 1960.
2. In paragraph 7 of the Foreigners Order, 1948:—

(a) for sub-paragraph (1), the following sub-paragraph shall be substituted, namely:—

“(1) Every foreigner who enters India on the authority of a visa issued in pursuance of the Indian Passport Act, 1920 (34 of 1920), shall obtain from the Registration Officer having jurisdiction either at the place at which the said foreigner enters India or at the place at which he presents a registration report in accordance with rule 6 of the Registration of Foreigners Rules, 1939, a permit indicating the period during which he is authorised to remain in India and also indicating the place or places for stay in India, if any, specified in the visa. In granting such permit, the said Registration Officer may restrict the stay of the foreigner to any of the places specified in the visa”; and

(b) for sub-paragraph (3), the following sub-paragraph shall be substituted, namely:—

“(3) Every foreigner to whom a permit is issued under sub-paragraph (1) or sub-paragraph (2):—

- (i) shall not, if the permit indicates the place or places for stay in India, visit any other place unless the permit is extended by the Central Government to such other place; and
- (ii) shall, unless the period indicated in the permit is extended by the Central Government, depart from India before the expiry of the said period; and at the time of the foreigner's departure from India the permit shall be surrendered by him to the Registration Officer having jurisdiction at the place from which he departs”.

[No. 1-8-60-I-F.III.]

S.O. 1794.—In exercise of the powers conferred by section 3 of the Indian Passport Act, 1920 (34 of 1920), the Central Government hereby makes the following amendments in the Indian Passport Rules, 1950, namely:—

1. These rules may be called the Indian Passport (Amendment) Rules, 1960.
2. In rule 6 of the Indian Passport Rules, 1950,—

(1) in clause (b), the word “or” shall be added at the end; and

(2) after clause (b), the following clause shall be inserted, namely:—

“(c) enters, or attempts to enter, India on a forged passport or visa,”

[No. 1-8-60-II-F.III.]

S.O. 1795.—In pursuance of clause (b) of rule 2 of the Citizenship Rules, 1956, the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Home Affairs No. 10/3/56(I)-IC, dated the 29th August, 1956, as amended by notification No. 10/8/59-IC, dated the 12th August, 1959, namely—

In the Schedule to the said notification, for the entries relating to Dehradun district, the following entries shall be substituted, namely:—

1	2	3
Dehradun	Sub-Divisional Magistrate, Jaunsar Bawar.	Jaunsar Bawar Sub-Division.
	Sub-Divisional Magistrate, Mussorie.	Mussorie Sub-Division.
	Sub-Divisional Magistrate, Dehra Tahsil.	Dehra Tahsil

[No. 10/7/60-IC.]

FATEH SINGH, Jt. Secy.

MINISTRY OF FINANCE**(Department of Expenditure)***New Delhi, the 14th July 1960*

S.O. 1796.—In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 148 of the Constitution, and after consultation with the Comptroller and Auditor-General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following further amendment in the Civil Service Regulations, namely:—

1. These Regulations may be called the Civil Service (Amendment) Regulations, 1960.
2. In Article 486A of the Civil Service Regulations, in clause (d), after sub-clause (iii), the following sub-clause shall be inserted, namely:—
“(iv) the difference between the substantive pay and the pay actually drawn in higher tenure appointment(s) whether held in substantive or officiating capacity, provided that service in the tenure appointment(s) does not qualify for the grant of a special additional pension.”

[No. F. 28(22)-EV/60.]

D. D. BHATIA, Dy. Secy.

(Department of Expenditure)*New Delhi, the 18th July 1960*

S.O. 1797.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following amendments in the schedule to the Notification of the Government of India in the Ministry of Finance (Department of Expenditure) No. S.R.O. 639 dated the 28th February, 1957, namely:—

In part II of the said Schedule, under the heading ‘Posts and Telegraphs Audit Offices’, for the sub-headings ‘Central Office’ and ‘Branch Offices’ and all the entries relating thereto, the following shall be substituted, namely:—

(1)	(2)	(3)	(4)	(5)
Central Office:				
All posts . . .	Accountant General, Posts and Telegraphs.	Accountant General, All Posts and Telegraphs.		Deputy Comptroller and Auditor General/ Addl. Deputy Comptroller and Auditor General (Personnel).
		Senior Deputy Accountant General, Posts & Telegraphs.	} (i) to (iii)	Accountant General, Posts & Telegraphs.
		Deputy Accountant General, Posts and Telegraphs.		
Branch Offices:				
Subordinate Accounts Service.	Accountant General, Posts and Telegraphs.	Accountant General, All Posts and Telegraphs.		Deputy Comptroller and Auditor General/ Additional Deputy Comptroller and Auditor General (Personnel).
		Senior Deputy Accountant General, Posts & Telegraphs.	} (i) to (iii)	Accountant General, Posts and Telegraphs.
		Deputy Accountant General, Posts and Telegraphs.		

(1)	(2)	(3)	(4)	(5)
All other posts	Senior Deputy Accountant General, Posts and Telegraphs. Deputy Accountant General, Posts and Telegraphs.	Senior Deputy Accountant General, Posts and Telegraphs. Deputy Accountant General, Posts and Telegraphs.	All	Accountant General, Posts and Telegraphs."

[No. F. 20(4)-E.G.I/60].

C. R. KRISHNAMURTHI, Dy. Secy.

(Department of Economic Affairs)

New Delhi, the 13th July 1960

S.O. 1798.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (2) of section 19 of the said Act shall not apply to the Indo-Commercial Bank Ltd. till the 31st July 1961 in so far as they relate to its holdings in the Palar Mills Ltd.

[No. F. 4(52)-BC/60.]

D. N. GHOSH, Under Secy.

(Department of Economic Affairs)

New Delhi, the 14th July 1960

S.O. 1799—S a m e n t of the Affairs of the Reserve Bank of India, as on the 8th July, 1960.

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	13,82,96,000
Reserve Fund	80,00,00,000	Rupee Coin	1,27,000
National Agricultural Credit (Long-term Operations) Fund	40,00,00,000	Subsidiary Coin	4,45,000
National Agricultural Credit (Stabilisation) Fund	5,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal
(a) Government		(b) External
(1) Central Government	69,27,13,000	(c) Government Treasury Bills	4,99,34,000
(2) Other Governments	14,95,81,000	Balances held abroad*	26,67,02,000
(b) Banks	117,56,55,000	Loans and Advances to Governments**	34,92,87,000
(c) Others	130,70,74,000	Other Loans and Advances†	133,93,29,000
Bills Payable	18,24,62,000	Investments	256,61,28,000
Other Liabilities	9,35,30,000	Other Assets	19,07,67,000
RUPEES	490,10,15,000	RUPEES	490,10,15,000

* includes Cash & Short-term Securities.

** includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 12,71,35,000/- advanced to scheduled banks against usance bills under Section 17 (4)(c) of the Reserve Bank of India Act.

Dated the 13th day of July, 1960.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 8th day of July 1960.

ISSUE DEPARTMENT

Liabilities	Ra.	Ra.	Assets	Rs.	Rs.
Notes held in the Banking Department . . .	13,82,96,000		A. Gold Coin and Bullion:—		
Notes in circulation . . .	1850,11,27,000		(a) Held in India . . .	117,76,03,000	
Total Notes issued . . .		1863,94,23,000	(b) Held outside India	
			Foreign Securities . . .	143,00,89,000	
			TOTAL OF A . . .		260,76,92,000
			B. Rupee Coin . . .		126,77,45,000
			Government of India Rupee Securities . . .		1476,39,86,000
			Internal Bills of Exchange and other commercial paper
TOTAL LIABILITIES	1863,94,23,000	TOTAL ASSETS	1863,94,23,000

Dated the 13th day of July, 1960.

H. V. R. IENGAR,
Governor.

[No. F 3(2)-BC/60.]
A. BAKSI, Jt. Secy.

(Department of Revenue)

INCOME-TAX ESTABLISHMENTS

New Delhi, the 12th July 1960

S.O. 1800.—In pursuance of clause (b) of Sub-rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government has been pleased to appoint Shri A. R. Natarajan, Income-tax Officer, as Authorised Representative with effect from 18th March 1960 to 3rd May 1960, to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income-tax Appellate Tribunal.

[No. 193.]

S.O. 1801.—Consequent on his posting as Assistant Commissioner of Income-tax in the charge of the Commissioner of Income-tax, Mysore, the powers conferred on Shri A. R. Natarajan by the Ministry of Finance (Department of Revenue) Notification No. 193 Income-tax Establishments, dated the 12th July, 1960, are hereby withdrawn.

[No. 194.]

S.O. 1802.—In pursuance of clause (b) of Sub-rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government has been pleased to appoint Shri O. Venkatasubramaniam, Income-tax Officer as Authorised Representative, Income-tax Appellate Tribunal, and Shri N. V. Karandikar, Income-tax Officer as Junior Authorised Representative, Income-tax Appellate Tribunal with effect from the dates noted against them to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income-tax Appellate Tribunal:—

Sl. No.	Name of Income-tax Officer	Date of appointment
1.	2	3
1.	Shri O. Venkatasubramaniam	30-6-1960 (A.N.)
2.	Shri N. V. Karandikar	10-6-1960 (A.N.)

[No. 195.]

D. SUBRAMANIAM, Dy. Secy.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 13th July 1960

S.O. 1803.—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject, the Central Board of Revenue hereby directs that with effect from 27th June, 1960 (afternoon) Shri K. M. S. Reddy, a Commissioner of Income-tax shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes or of such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of Madras.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or of such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri K. M. S. Reddy shall be designated as the Commissioner of Income-tax, Madras with headquarters at Madras.

Explanatory Note

NOTE.—The amendments have become necessary due to re-organisation of Commissioner's charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 74 (F. No. 55/1/60-IT).]

New Delhi, the 15th July 1960

S.O. 1804.—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject, the Central Board of Revenue hereby directs that with effect from 7th July, 1960 (forenoon) Shri P. T. Ranadive, a Commissioner of Income-tax shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes or of such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of Madras.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or of such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri Ranadive shall be designated as the Commissioner of Income-tax, Madras with headquarters at Madras.

Explanatory Note

NOTE.—The amendments have become necessary due to re-organisation of Commissioner's charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 76 (F. No. 55/1/60-IT).]

New Delhi, the 18th July 1960

S.O. 1805.—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject the Central Board of Revenue hereby directs that with effect from 8th July 1960 (afternoon) Shri G. S. Srivastava, a Commissioner of Income-tax, shall perform all the functions of Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or such incomes or classes of incomes or such cases or classes of cases as are comprised in the Income-tax Circles, Wards or Districts in the State of Maharashtra except the districts of Nagpur, Bhandara and Greater Bombay.

Provided that he shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax Authority subordinate to him.

Provided further that he shall not perform his functions in respect of such persons or of such cases as have been or may be assigned to any Income-tax Authority outside his jurisdictional area.

While performing the said functions the said Shri Srivastava shall be designated as the Commissioner of Income-tax, Poona.

Explanatory Note

NOTE.—The amendments have become necessary due to the change in the incumbent of the Commissioner's post.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 77 (F. No. 55/1/60-IT).]

D. V. JUNNARKAR, Under Secy.

MINISTRY OF COMMERCE AND INDUSTRY*New Delhi, the 13th July 1960*

S.O. 1806.—The following amendments made by the Coir Board in the Coir Board (Contributory Provident Fund) By-Laws, 1955, in exercise of the powers conferred by Section 27 of the Coir Industry Act, 1953 (45 of 1953), and confirmed by the Central Government, are hereby published, as required by sub-section (2) of the said Section, namely:—

In the said By-laws

(i) In clause (1) of By-Law 9 for the figures '1/16th', the figures '1/12th' shall be substituted;

(ii) In By-Law 17, after sub-clause (iii) of clause (a), the following sub-clauses shall be inserted, namely:—

"(iv) to meet the cost of legal proceedings instituted by the subscriber for vindicating his position in regard to any allegations made against him in respect of any act done or purported to be done by him in the discharge of his official duty, the advance in this case being available in addition to any advance admissible for the same purpose from any other Government source;

Provided that the advance under this sub-clause shall not be admissible to a subscriber who institutes legal proceedings in any court of law either in respect of any matter unconnected with his official duty or against Government in respect of any condition of service or penalty imposed on him;

(v) to meet the cost of his defence when he is prosecuted by Government in any court of law in respect of any alleged official misconduct on his part";

(iii) in By-Law 17, after clause (c), the following clause shall be inserted, namely:—

"(cc) Notwithstanding anything contained in clauses (b) and (c), the advance to be sanctioned for the purposes of sub-clause (iv) or sub-clause (v) of clause (a) shall not exceed three months pay or Rs. 500 whichever is greater, and shall in no case exceed the amount of subscription and interest thereon standing to the credit of the subscriber".

[No. F. 42-SSI(B)(31)/55.]

New Delhi, the 15th July 1960

S.O. 1807.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment of persons to Class III (Non-ministerial) posts in the Small Scale Industries Organisation under the Ministry of Commerce and Industry, namely:—

1. **Short title.**—These rules may be called the Small Scale Industries Organisation (Class III Non-ministerial posts) Recruitment Rules, 1960.

2. **Application.**—These rules shall apply to recruitment to the posts specified in column 1 of the Schedule except the ministerial posts in the Headquarters Office of the Development Commissioner, Small Scale Industries.

3. **Number, classification and scale of pay.**—The number of posts, their classification and the scale of pay attached to them shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of recruitment, age limit and other qualifications.**—The method of recruitment, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 12 of the Schedule aforesaid;

Provided that the maximum age limit prescribed for direct recruitment may be relaxed in the case of persons, belonging to Scheduled Castes/Tribes, and other special categories in accordance with the orders issued by the Central Government from time to time.

5. **Disqualification.**—No male candidate who has more than one wife living and no female candidate who has married a person having already a wife living shall be eligible for appointment to any of these posts;

Provided that the Government of India may, if it is satisfied that there are special grounds for doing so, exempt any such candidate from the operation of this rule.

SCHED

Recruitment Rules for the post of Hindi Translator in

Name of post	No. of posts as on 1-11-1959	Classification	Scale of pay	Whether selection post or non-selection post	Age limit for direct recruits	Educational and other qualifications required
1	2	3	4	5	6	7
Hindi Translator.	4	Class III—Non-gazetted, Non-ministerial.	Rs. 250—10 —300—15 —450—25/2 —500.	Not applicable.	Below 30 yrs.	(a) Master's Degree preferably in Hindi, English, Science of Economics. (b) Adequate knowledge of Hindi as evidenced by Degree in Hindi, or by published work in Hindi. (c) Experience of journalistic/literary work or translation work from English to Hindi.

ULE

Small Scale Industries Organisation.

Whether age and educational qualifications prescribed for the direct recruits will apply in the case of promotees	Period of probation if any	Method of rectt. whether by direct rectt. or by promotion or transfer & percentage of the vacancies to be filled by various methods	In case of rectt. by promotion/transfer, grades from motion to be made	If a DFC exists what is its composition
8	9	10	11	12
Not applicable.	2 years.	Cent per cent. by direct recruitment.	Not applicable.	Not applicable.

[No. 19-SSI(C)(23)/60]

M. H. SIDDIQI, Under Secy.

New Delhi, the 18th July, 1960

S.O. 1808.—In exercise of the powers conferred by section 30 read with section 6 of the Industries (Development & Regulation) Act, 1951 (65 of 1951), the Central Government hereby makes the following amendment in the Development Councils (Procedural) Rules, 1952, the same having been previously published as required under sub-section (1) of the said section 30, namely:—

Amendment

- (1) These rules may be called the Development Councils (Procedural) amendment Rules, 1960.
- (2) In Rule 5 of the Development Councils (Procedural) Rules, 1952, for sub-rule (1), the following sub-rule shall be substituted, namely:—

“A member of a Council shall hold office for such period not exceeding two years from the date of his appointment as may be specified in the Order of appointment, and shall be eligible for re-appointment.”

[No. 4(31)IA(IV)/60.]

ORDER

New Delhi, the 18th July, 1960.

S.O. 1809/IDRA/6/13.—In exercise of the powers conferred by section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with Rules 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints the following persons to be members of the Development Council for the scheduled industries engaged in the manufacture or production of Oils, Soaps and Paints in place of members whose terms of office has expired by efflux of time or otherwise:—

S. No.	Name and address of the member	Interest Represented	Chairman/member
1.	Shri P. A. Narielwala, M/s Tata Industries Pvt. Ltd., Bombay House, Fort, <i>Bombay-1.</i>	“Owners”	Chairman.
2.	Mr. S. H. Turner, Chairman, M/s. Hindustan Lever Ltd., Scindia House, Ballard Estate, <i>Bombay-1.</i>	Do.	Member.
3.	Shri R. L. Arora Proprietor, M/s. Luxmi Soap Factory, 77/1, Harrison Road, <i>Calcutta-1.</i>	Do.	Do.
4.	Shri S. N. Mathur, M/s. Jumna Soap and Chemical Works, 41/III, Chovey Gola, Najd Sadak, <i>Kanpur.</i>	Do.	Do.
5.	Shri C. H. Choksey, M/s. Asian Oil & Paint Co. (India) (Pvt.) Ltd., Das Chambers, Dalal Street, Fort, <i>Bombay-1.</i>	Do.	Do.
6.	Shri S. L. G. Wright, Joint Mgg. Director, M/s. Elephant Oil Mills Rustam Bldg., Churchgate Street, Fort, <i>Bombay.</i>	Do.	Do.
7.	Shri P. C. Chanda, C/O M/s. P. C. Chanda & Co. Ltd., P 2 Mission Row Extension, <i>Calcutta-1.</i>	Do.	Do.

S. No.	Name and address of the member	Interest Represented	Chairman/ Member
8.	Shri T. K. S. Mani, M/s. Addisons Paints & Chemicals (Pvt). Ltd., Sembiam, Madras-II.	"Owners"	Member
9.	Shri P. K. Adhikari, M/s. Jenson & Nicolson (India) Ltd., 2, Fairlie Place, Post Box No. 50. Calcutta-I.	Do.	Do.
10.	Shri Krishna Kapoor, M/s. Nagarath Paints (Pvt.) Ltd., 46, Fazal Ganj, Kanpur.	Do.	Do.
11.	Shri B. D. Gupta, M/s. Torrance & Sons Ltd., 41, Chowringhee Road, Calcutta.	"Technical Knowledge"	Member
12.	Shri V. A. Mehta, Development Officer (Oils & Food), Development Wing, New Delhi.	Do.	Do.
13.	Dr. B. P. Godrej, M/s. Godrej Soaps Private Ltd., 316, Delisle Road, P.O. Jacob Circle, Bombay-II.	Do.	Do.
14.	Dr. V. Ranganathan, Control Officer, Chemical Branch, Defence Research Laboratory (Stores), P.B. No. 320, Kanpur.	"Consumers"	Member

[No. 4(8)IA(IV)/60.]

D. HEJMADI, Dy. Secy.

(Office of the Joint Chief Controller of Imports & Exports, Madras)**NOTICES***Madras, the 27th May, 1960*

S.O. 1810.—It is hereby notified that in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel licence No. A836640/60/AU/M dated the Second February 1960 valued at Rs. 75,000 (Rupees Seventy five thousand only) for import of Cellulose Nitrate Sheets from the Soft Currency Area except South Africa, granted by the Joint Chief Controller of Imports and Exports, Madras to Messrs. Sinha Govindji, No. 18, Bangalore Road, Bellary-2 unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports, Madras, within ten days of the date of issue of this notice, by the said Messrs. Sinha Govindji, No. 18, Bangalore Road, Bellary-2 or any Bank, or any other party who may be interested in it.

2. In view of what is stated above, Messrs. Sinha Govindji, Bellary or any Bank, or any other party who may be interested in the said licence No. A836640/60/AU/M dated Second February 1960 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports and Exports, Madras.

[No. SSI(1)/315/101.D/V/2-59.]

S.O. 1811.—It is hereby notified that in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel Licence No. A863296/60/AU/M dated the Eighteenth January 1960 valued at Rs. 75,000/- (Rupees Seventy five thousand only) for import of Cellulose Nitrate Sheets from the Soft Currency Area except South Africa, granted by the Joint Chief Controller of Imports and Exports, Madras to Messrs. Sinha Govindji, No. 18, Bangalore Road, Bellary unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports, Madras, within ten days of the date of issue of this notice, by the said Messrs. Sinha Govindji, No. 18 Bangalore Road, Bellary or any Bank, or any other party who may be interested in it.

2. In view of what is stated above, Messrs. Sinha Govindji Bellary or any Bank, or any other party who may be interested in the said licence No. A863296/60/AU/M dated 18th January 1960 are hereby directed not to enter into any commitments against the said licence and return it immediately to the Joint Chief Controller of Imports and Exports, Madras.

[No. SSI(1)/315/101.D/V/2-59.]

J. K. SARKAR,

Dy. Chief Controller,
For Joint Chief Controller, Madras.

(Office of the Joint Chief Controller of Imports & Exports, Bombay)

NOTICE

Bombay, the 27th June, 1960

S.O. 1812.—It is hereby notified, that in exercise of the powers conferred by clause 9(a) of the Imports (Control) Order 1955, the Government of India, in the Ministry of Commerce and Industry propose to cancel the following Five Licences** from the Soft Currency Area except union of South Africa, granted by the Jt. Chief Controller of Imports & Exports, Bombay to M/s. Associated Industries, Bombay 1, unless sufficient cause against this is furnished to the Jt. Chief Controller of Imports & Exports, Bombay within ten days of the date of issue of this notice, by the said M/s. Associated Industries, Bombay, or any Bank or any other Party, who may be interested in it.

2. In view of what is stated above, M/s. Associated Industries, Bombay, are hereby directed not to enter into any commitments against the said licences and return these licences immediately to the Jt. Chief Controller of Imports & Exports, Bombay.

**I.	Licence No.	Date	Value	Item
1.	948210	24-3-60	Rs. 20,812/-	Cultured Pearls.
2.	938117	31-12-59	Rs. 7,300/-	False Pearls.
3.	924439	20-4-60	Rs. 38,025/-	Hides & Skins.
4.	924438	20-4-60	Rs. 17,625/-	Canes & Rattans.
5.	938765	20-1-60	Rs. 9,967/-	Canes & Rattans.

[No. 254-IV/2/2-60/EP. II.]

K. V. DAVE,

Dy. Chief Controller of Imports & Exports.
For Jt. Chief Controller of Imports & Exports.

(Office of the Jt. Chief Controller of Imports & Exports, Bombay)
ORDER

Bombay, the 29th June 1960

S.O. 1813.—Whereas M/s. Pramashaw Motor Co., 420 Lamington Road, Bombay-4 or any Bank or any other person have not come forward furnishing sufficient cause, against Notice No. 293-95-97-IV/56/1-59/MV-8/E/4840, (dated the 18th September, 1959, proposing to cancel licence No. E869147/57, dated the 11th June, 1959, valued at Rs. 500 for the import of Piston Rings specially adopted for Motorcycles and Scooters from the G.A. Currency Area except South Africa, granted to the said M/s. Pramashaw Motor Co., 420, Lamington Road, Bombay No. 4 by the Jt. C.C.I. & E., Bombay, Government of India, in the Ministry of Commerce and Industry, in exercise of the powers conferred by clause 9 of the Imports (Control) Order, 1955, hereby cancel the said licence No. E-869147/57, dated the 11th June, 1959, issued to the said M/s. Pramashaw Motor Co., 420, Lamington Road, Bombay-4.

[No. 293-95-97-IV/373/2-59/MV/8/E/N6.]
(Sd.) *Illegible.*

Dy. Chief Controller of Imports & Exports




(Indian Standards Institution)

New Delhi, the 7th July 1960

S. O. 1814.—In modification of the Standard Mark, notified in the Schedule annexed to the Ministry of Commerce and Industry (Indian Standards Institution) Notification No. S. R. O. No. 2049 dated the 31st August 1956 published in the Gazette of India, Part II, Section 3—Sub-Section (ii) dated 15th September, 1956, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed has been revised.

This Standard Mark, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the rules and regulations framed thereunder, shall come into force with immediate effect.

THE SCHEDULE

Design of the Standard Mark	No. and title of relevant Indian Standard	Verbal Description of the design of the Standard Mark
(1)	(2)	(3)
<p align="center">IS: 21</p>  <p align="center">SIB</p>	<p>IS : 21—1959 Specification for Wrought Aluminium and Aluminium Alloy for Utensils (<i>Second Revision</i>).</p>	<p>The monogram of the Indian Standards Institution, consisting of letters ISI, drawn in the exact style and relative proportions as indicated in column (1), the number, designation of the Indian Standard being superscribed on the top side of the monogram and the relevant IS grade designation being subscribed under the bottom side of the monogram as indicated in the design.</p>
<p align="center">IS 21</p>  <p align="center">SIC</p>		
<p align="center">IS: 21</p>  <p align="center">NS3</p>		

New Delhi, the 11th July 1960

S. O. 1815.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that a licence, particulars of which are given in the Schedule hereto annexed has been granted authorizing the licensee to use the Standard Mark.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of validity		Name and Address of the Licensee	Article covered by the Licence	Relevant Indian Standard
		From	To			
1	CM/L-204 28-6-1960	15-7-1960	14-7-1961	M/s. Jaipur Metals and Electricals Ltd., Jaipur (Ra'as-tan).	Copper Rods for Boiler Stays	IS : 288-1951 Specification for Copper Rods for Boiler Stays.

[No. MD/12:402]

S. O. 1816.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that three licences, particulars of which are given in the Schedule hereto annexed have been renewed.

THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee/Licensees	Article (s)/ Process (e) covered by the Licence(s)	Relevant Indian Standard(s)
		From	To			
1	CM/L-129 23-6-1959	1-7-1960	30-6-1961	The Alkali and Chemical Corpn. of India Ltd., 34, Chowringhee, Calcutta—16.	BHC Emulsifiable Concentrates	IS : 652-1958 Specification for BHC Emulsifiable Concentrate, (Revised).
2	CM/L-135 15-7-1959	1-8-1960	31-7-1961	M/s. Sarda Plywood Industries (Private) Ltd., Jeypore Road, P. O. Jeypore, Assam.	Tea-Chest Plywood Panels	IS : 10-1953 Specification for Plywood Tea-Chests (Revised).
3	CM/L-137 3-8-1959	17-8-1960	16-8-1961	The Assam Railways and Trading Co. Ltd., Margherita, Assam.	Tea-Chest Plywood Panels	IS : 10-1953 Specification for Tea-Chests. (Revised).

[MD/12 : 327.]

C. N. MODAWAL,
Deputy Director (Marks)

MINISTRY OF STEEL, MINES AND FUEL**(Department of Iron and Steel)***New Delhi, the 11th July 1960*

S.O. 1817/ESS.COMM/Iron & Steel-15(1)/AM(7).—The following Notification issued by the Iron and Steel Controller under proviso 15(1) of the Iron and Steel (Control) Order, 1956, is published for general information.

"NOTIFICATION"

In exercise of the powers conferred by proviso to Sub-Clause (1) of Clause 15 of the Iron and Steel (Control) Order, 1956 as amended by Notification No. S.O. 2369/ESS.COMM/Iron and Steel AM(3) dated 13th November, 1958, published in Part II Section 3, Sub-Section (ii) of the Extraordinary Gazette of India dated 13th November, 1958 and with the approval of the Union Government, the Iron and Steel Controller hereby notifies the following amendment to the last para of the concessional price Notifications under Export Promotion Scheme published under (1) S.O. 2643/ESS.COMM/Iron & Steel-15(1) in part II Section 3(ii) of the Gazette of India Extraordinary dated 18th December, 1958 (2) S.O. 573/ESS.COMM/Iron & Steel-15(1)AM(1) in Part II Sec. 3(ii) of the Gazette of India dated 14th March 1959 and (3) S.O. 623/ESS.COMM/Iron & Steel-15(1)AM(2) in Part II Section 3(ii) of the Gazette of India dated 21st March, 1959 as amended from time to time:—

Addendum

In the last Para, in the last but one sentence,

"Indent.....New Delhi".

Add the following after the words "New Delhi":—

"And by the Iron and Steel Controller, Calcutta".

A. S. BAM, I.C.S.

Iron and Steel Controller".

[No. SC(B)-12(36)/59/II/C.]

New Delhi, the 18th July 1960

S.O. 1818/ESS.COMM/Iron & Steel-15(1)/AM (24).—The following Notification issued by the Iron and Steel Controller under Clause 15(1) of the Iron and Steel (Control) Order, 1956 is published for general information:—

"NOTIFICATION"

In exercise of the powers conferred by Sub-Clause (1) of Clause 15 of the Iron and Steel (Control) Order, 1956 and with the approval of the Central Government the Iron and Steel Controller hereby notifies the following amendment to the Extras list under Appendix I of the consolidated Price Notification published under S.O. 2249/ESS. Comm/Iron & Steel-15(1) and 27(1) in part III Section 3 (ii) of the Gazette of India dated 1st November, 1958.

Addendum

H. Basic price Item No. 8- Boiler Plates 3/8 and up:	Extra per Ton	
	L/T	M/T
	Rs. nP. Rs. nP.	
Sub item No. 5-Boiler Plates to IRSS-M-32/57	26/50	26/08

A. S. BAM, I.C.S.

Iron and Steel Controller"

[No. SC(C)-2(120)/60.]

J. S. BAIJAL, Under Secy.

(Department of Mines & Fuel)**CORRIGENDUM***New Delhi, the 15th July 1960*

S.O. 1819.—In Schedule B to the notification of the Government of India in the Ministry of Steel, Mines and Fuel (Department of Mines and Fuel) No. S.O. 1514 dated the 2nd June, 1960, published in part II, section 3, sub-section (ii) of the Gazette of India dated the 18th June, 1960, (i) under the heading 'plot Nos. to be acquired in village Durpa', for '431 Gha/1' read '433 Gha/1'; (ii) under the heading 'plot Nos. to be acquired in village Jail' for '64/74' read '64 to 74' and (iii) under the heading 'plot Nos. to be acquired in village Charpara' after plot No. "649 (Part)" insert plot "Nos. 651 (Part), 652 (Part), 655 (Part), 656 (Part), 657 (Part) and 658 (Part)".

[No. C2-22(11)/60.]

B. ROY. Under Secy.

MINISTRY OF FOOD & AGRICULTURE**(Department of Agriculture)****(Indian Council of Agricultural Research)***New Delhi, the 1st July 1960*

S.O. 1820.—In pursuance of the provision of clause (b) of Section 4 of the Indian Coconut Committee Act, 1944 (10 of 1944), the State Government of Mysore have renominated Shri C. H. Lingadevaru, Chikkanaikanahalli, Tumkur District, Mysore, as a member of Indian Central Coconut Committee for a term of three years with effect from 1st April, 1960.

[No. F. 8-1/60-Com. I.]

J. VEERA RAGHAVAN, Under Secy.

MINISTRY OF TRANSPORT & COMMUNICATIONS**(Department of Transport)****(Transport Wing)****PORTS***New Delhi, the 16th July 1960*

S.O. 1821.—In pursuance of sub-section (2) of section 9 of Madras Port Trust Act, 1905 (Madras Act II of 1905) it is hereby notified that, in accordance with the provisions of section 13 of the said Act, Shri J. K. Bhuwalka of Messrs. Agarwala Trading Company, Madras has been elected by the Andhra Chamber of Commerce, Madras, to be a Trustee of the Port of Madras with effect from the 4th July 1960 vice Shri B. Nagi Raddi resigned.

[No. 13-PG(44)/60.]

MISS I. INDIRA, Under Secy.

MINISTRY OF IRRIGATION & POWER**ORDER***New Delhi, the 13th July 1960*

S.O. 1822.—In exercise of the powers conferred by clause (a) of sub-section (4) of section 68 of the Bombay Reorganisation Act, 1960, (11 of 1960), the Central Government hereby directs that the Maharashtra State Electricity Board constituted under the notification of the Government of Maharashtra in the Industries and Labour Department, No. ESA-1160-Elec., dated the 20th June, 1960, shall take over

from the Bombay State Electricity Board constituted under the notification of the Government of Bombay in the Industries and Cooperation Department No. SRA-1057-K, dated the 31st January, 1957, all its undertakings, assets, rights and liabilities in the area comprising the Maharashtra State, subject to any adjustment that may be agreed upon between the State of Maharashtra and the State of Gujarat.

[No. EL-II-1(22)/60.]

G. D. KSHETRAPAL, Dy. Secy.

MINISTRY OF SCIENTIFIC RESEARCH AND CULTURAL AFFAIRS

New Delhi, the 13th July 1960

S.O.1823.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following amendments to the Delhi Polytechnic Class III and Class IV Recruitment Rules, 1958, published in the notification of the Government of India in the Ministry of Scientific Research and Cultural Affairs No. S.O. 674 dated the 23rd February, 1959, namely :—

- (1) These rules may be called the Delhi Polytechnic Class III and Class IV Recruitment (Amendment) Rules, 1960.
- (2) In the schedule to the Delhi Polytechnic Class III and Class IV Recruitment Rules, 1958, against serial numbers 1, 4 and 8 (Head Clerk, Upper Division Clerk and Chief Store-keeper), for the existing entries under columns 9 and 10, the following entries shall respectively be substituted, namely :—

S. No.	Name of post	Column 9 (Age-limit)	Column 10 (Educational and other qualifications required)
1	Head Clerk	19-23 years	<p><i>Essential:</i></p> <p>(1) Intermediate/Senior Cambridge/Higher Secondary Certificate or equivalent qualifications.</p> <p>(2) About 'three years' experience in a Government Office, University or Technical Institution.</p> <p><i>Desirable:</i> Working knowledge of Government rules and regulations and knowledge of type-writing, noting and drafting.</p>
	* *	* *	* *
4	Upper Division Clerk.	18-21 years	<p><i>Essential :</i> Intermediate/Senior Cambridge/Higher Secondary Certificate or equivalent qualifications.</p> <p><i>Desirable :</i> Some experience in Government office or technical institution.</p>
	* *	* *	* *
8	Chief Store-keeper	19-23 years	<p><i>Essential :</i> Intermediate/Senior Cambridge/Higher Secondary Certificate or equivalent qualifications.</p> <p>(2) At least 5 years' experience in handling stores. Knowledge of general specifications and methods of upkeep of machinery, tools and stores.</p>

[No. F.5-57/60-T.]

M.V.D. NAIR, Asstt. Edcl. Adviser.

MINISTRY OF REHABILITATION*New Delhi, the 13th July 1960*

S.O. 1824.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties in the Union territory of Delhi specified in the Schedule below for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the said evacuee properties.

THE SCHEDULE

S. No.	Particulars of evacuee property	Name of the town and locality in which the evacuee property is situated	Name of evacuee
1.	IV/532/1375-77	Kucha Ustad Hamid	Mussamat Amitul Nisa.
2.	5 Biswas of land (plot mentioned in Khasra No. 1098/309 Khawat No. 56, Khata No. 164)	Village Ghandli	Abdul Rehman son of Gasitu

[No. F.1 (1218)58/Comp.III/Prop.I.]

KANWAR BAHADUR.Settlement Commissioner and
Ex-Officio Dy. Secy.**(Office of the Chief Settlement Commissioner)***New Delhi, the 16th July 1960*

S.O. 1825.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Compensation & Rehabilitation) Act No. 44 of 1954, the Central Government hereby appoints for the Union territory of Delhi and Faridabad Township, Shri V. I. Tewani, for the time being holding the post of Assistant Settlement Officer (Sales), under the Regional Settlement Commissioner-cum-Custodian of Evacuee Properties, Delhi, as Managing Officer, for the custody, management and disposal of compensation pool with effect from 1st June, 1960.

[No. 23(51)/Admn. Reg.(G)/CSC/59.]

KANWAR BAHADUR,Settlement Commissioner (A) & *Ex-Officio*, Dy. Secy**(Office of the Chief Settlement Commissioner)****ORDER***New Delhi, the 13th July 1960*

S.O. 1826.—In exercise of the powers conferred upon me by sub-section (1) of Section 8 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954) I, S. W. Shiveshwarkar, I.C.S., Chief Settlement Commissioner do hereby authorise Shri G. P. Mathur, Assistant Settlement Officer working under the Regional Settlement Commissioner, Rajasthan, Jaipur to make payment of Compensation to displaced persons out of the compensation pool by transfer of allotable property or otherwise in accordance with the provisions of the Displaced Persons (Compensation & Rehabilitation) Rules, 1955.

[No. F.4(6)Comp.II/57-Policy.I.]

S. W. SHIVESHWARKAR,

Chief Settlement Commissioner.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 13th July 1960

S.O. 1827.—PWA/Sec. 7/Exp. II/Am. I.—In pursuance of Explanation II to section 7 of the Payment of Wages Act, 1936 (4 of 1936), read with section 24 of the said Act, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 517, dated the 5th April, 1958, namely:—

In the said notification—

for the words “except the penalty of suspension”, the words “except the penalty of suspension and the penalty of stoppage of increment at an efficiency bar,” shall be substituted.

[No. FAC. 49(36)/59.]

New Delhi, the 14th July 1960

S.O. 1828.—Whereas Sri M. K. Bosc, a representative of the Indian Mine Managers' Association on the Board of Trustees, Coal Mines Provident Fund, constituted under the notification of the Government of India in the late Ministry of Labour No. PF. 4(14)/54 dated the 5th October, 1955, has failed to attend three consecutive meetings of the Board without obtaining leave of absence from the Chairman of the Board:

Now, therefore, in pursuance of paragraph 6 of the Coal Mines Provident Fund Scheme, published with the notification of the Government of India in the late Ministry of Labour No. PF 50(5)/48 dated the 11th December, 1948, the Central Government hereby notifies that the said Sri M. K. Bosc has ceased to be a member of the said Board of Trustees.

[No. 4(43)/60-PFI.]

New Delhi, the 15th July 1960

S.O. 1829.—Whereas immediately before the Employees' Provident Funds Act, 1952 (19 of 1952), became applicable with effect from the 1st October, 1956, to the factory known as the Kemp and Company Limited, 88-C, Old Prabhadevi Road, Bombay-28, there was in existence a provident fund common to the employees employed in the factory, to which the said Act applies, and the employees in its eleven other establishments specified in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by section 3 of the said Act, the Central Government hereby directs that the provisions of that Act shall also apply to the said establishments.

SCHEDULE

1. Messrs Kemp & Company Limited, Sohrab House, Fort, Bombay.
2. Messrs Kemp & Company Limited, Wholesale and Retail Shop, Kashmere Gate, Delhi.
3. Messrs Kemp & Company Limited, 32-C, Chittaranjan Avenue, Calcutta.
4. Messrs Kemp & Company Limited, 29/28, Armenian Street, G.T., Madras.
5. Messrs Kemp & Company Limited, Kemps Corner, Bombay.
6. Messrs Kemp & Company Limited, Sohrab House, Fort, Bombay.
7. Messrs Kemp & Company Limited, Tajmahal Hotel, Bombay.
8. Messrs Kemp & Company Limited, 19-20, Clare Road, Byculla, Bombay.
9. Messrs Kemp & Company Limited, Miranda Mansion, Parel, Bombay.
10. Messrs Kemp & Company Limited, Dr. Annie Besant Road, Worli, Bombay.
11. Messrs Kemp & Company Limited, Connaught Circus, New Delhi.

[No. PF. II.-7(35)59.]

CORRIGENDUM

New Delhi, the 18th July 1960

S.O. 1830.—In the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1372 dated the 19th May, 1960, under the heading 'Members representing the Central Government', in item No. (4) for the words "Assistant Commissioner of Labour" read "Additional Assistant Commissioner of Labour".

[No. 178(18)/60-Fac.]

P. D. GAIHA, Under Secy.

New Delhi, the 13th July 1960

S.O. 1831.—The Government of the State of Maharashtra having nominated, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Employees' State Insurance Act, 1948 (34 of 1948), Dr. A. N. deQuadros, Surgeon General to the Government of Maharashtra, as a member representing the said State on the Medical Benefit Council, in place of Dr. D. P. Sethna, the Central Government, in pursuance of the said section 10, hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No. HI-1(1)/58, dated the 1st July, 1958, namely:—

In the said notification, under the heading 'Members' and sub-heading '[Nominated by the State Governments concerned under clause (d) of sub-section (1) of section 10]' for item (9), the following item shall be substituted, namely:—

"(9) Dr. A. N. deQuadros, Surgeon General to the Government of Maharashtra."

[No. F. HI-1(32)/60.]

New Delhi, the 16th July, 1960

S.O. 1832.—In pursuance of section 8 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No. HI-1(118)/59, dated the 4th July, 1959, namely:—

In the said notification, under the heading 'Members' and sub-heading '[Members of the Corporation representing three State Governments under clause (bb) of Section 8]', for item (5), the following item shall be substituted, namely:—

"(5) The member of the Corporation representing the Government of Maharashtra".

[No. F. HI-1(33)/60.]

BALWANT SINGH, Under Secy.

New Delhi, the 18th July 1960

S.O. 1833.—In pursuance of rule 2 (b) of the Coal Mines Pithead Bath Rules, 1959, the Central Government hereby appoints Shri N. M. Khan Warsi, Deputy Coal Mines Labour Welfare Commissioner to perform all the functions of a competent authority under the said rules.

[No. 25(8)/60-M-II.]

B. R. KHANNA, Under Secy.

New Delhi, the 18th July 1960

S.O. 1834.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi, in the industrial dispute between the employers in relation to the Central Bank of India, New Delhi and their workmen.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: DELHI.

PRESENT:

Shri E. Krishna Murti, Central Government Industrial Tribunal, Delhi.

New Delhi, the 14th June, 1960.

I.D. No. 13 of 1960.

BETWEEN

The employers in relation to the Central Bank of India Ltd., New Delhi.

AND

Their workmen.

Shri Chaman Lal *for the management.*

Shri H. L. Parwana *for the workmen.*

AWARD

By G. O. No. LR11-10(164)/59, dated 18th January, 1960, the industrial dispute, between the employers in relation to the Central Bank of India Ltd., New Delhi and their workmen, has been referred to this Tribunal for adjudication under sections 10(1)(d) and 12(5) of the Industrial Disputes Act, 1947.

2. The term of reference is as follows:—

Whether in the matter of appointment as Junior Officer, the supersession of Shri N. R. Chadha, a clerk in the Central Bank of India Limited, New Delhi, by the promotion of Shri G. R. Dargon and Shri Raja Ram Nagar of the said Bank was justified and, if not, to what relief Shri N. R. Chadha is entitled?

3. The allegations in the statement of claim are, that the workman in question, Shri N. R. Chadha, joined the service of the Central Bank of India Ltd., at Lahore on 7th July, 1943, that prior thereto he had to his credit about 7 years of service, having worked in other banks, that he was superseded in the matter of promotion, that a person junior to him was promoted, that this amounts to victimisation, and an act of unfair labour practice, that his appeal to the General Manager was in vain, that the action of the Bank is not valid, and it is wrongful and unjustified, that the Bank was actuated by *mala fide* intention, and that he is entitled to the relief claimed.

4. The contention on behalf of the Bank is, that the allegations in the statement of claim, that the action taken by the Bank is unlawful and unjustified, and is an act of unfair labour practice, are all denied, that the promotions were made in due course on merits, that the same cannot be taken exception to, and that the workman is not entitled to any relief.

5. Both parties are agreed, that the issue is as in the term of reference.

6. This dispute between the employers in relation to the Central Bank of India Ltd., New Delhi, (hereinafter referred to as the Bank), and their workmen relates to the supersession of Shri N. R. Chadha, who was a clerk in the Central Bank of India Limited, New Delhi, by the promotion of Shri G. R. Dargon, and Shri Raja Ram Nagar of the said Bank. The contention on behalf of the workman represented by The Delhi State Central Bank Employees' Association, is, that the promotion of Shri G. R. Dargon and Shri Raja Ram Nagar, over the head of Shri N. R. Chadha, is unlawful, unjustified, and is an act of unfair labour practice. It falls to be determined, whether the contention on behalf of the workman is tenable.

7. According to the case of the workman, Shri Chadha entered the service of the Central Bank of India Limited at Lahore on 7th July 1943. Prior to his appointment in the said Bank, Shri Chadha had worked in Ichhra Cooperative Bank, and National Bank of Lahore Limited, and had previous bank experience of 7 years. Shri G. R. Dargon was promoted as Junior Officer in May 1958 in the New Delhi Branch of the Bank. This was done in supersession of Shri Chadha, who was senior to Shri G. R. Dargon. Shri Chadha was superseded also by Shri R. R. Nagar, another employee, junior to him, who was also promoted as Junior Officer in May, 1958.

8. In paragraph 15 of the statement of claim is set out the order of seniority of the employees in New Delhi Branch of the Bank, and it is as follows:—

	"Date of Joining	Basic Pay as on 31-12-1958
1. Shri N. R. Chadha	7-7-1943	Rs. 164/-.
2. Shri R. R. Nagar	1-9-1943	Rs. 164/-.
3. Shri S. S. Suri	1-1-1944	Rs. 148/-.
4. Shri H. L. Dhawan	1-2-1944	Rs. 148/-.
5. Shri G. R. Dargon	1-3-1944	Rs. 140/-."

It is mentioned in paragraph 15 of the Bank's written statement, that paragraph 15 of the statement of claim required no comment by the management. From what has been set out above, it is clear, that Shri Chadha was senior to Sarvashri G. R. Dargon and R. R. Nagar, and that he was in receipt of a larger amount by way of salary than Shri Dargon. The order of seniority, according to the date of appointment, is also set out in Ext. M/6, sent on behalf of the Association. Therefrom it can be gathered, that Shri Chadha was senior to Sarvashri Nagar and Dargon. The date of appointment of Shri N. R. Chadha was 7th July 1943, that of Shri R. R. Nagar 1st September 1943, and of Shri G. R. Dargon 1st March 1944.

9. On behalf of the Delhi State Central Bank Employee's Association, the communication, Ext. M/6, was sent to the Controller, Northern Group of Offices, Central Bank of India on 11th June 1958. The Association intimated the Controller, that they had come to know, that the management of the New Delhi Branch had recommended the promotion of one of the Junior most hands, that pressure was being put on the office to promote Shri R. R. Nagar, who was M.A. in Hindi, that Shri Chadha, among others, had to his credit previous banking experience of 7 years, that he was given the highest start at the time of appointment, and that the communication was sent to the Controller in order to prevent favouritism and nepotism. However Shri Dargon and Shri Nagar were promoted as junior officers in preference to Shri Chadha. Ext. W/17 is a communication dated 28th May 1958, addressed to the General Manager by Shri Chadha, setting out, that Shri G. R. Dargon had been recommended promotion, that he was very much junior, that he himself was, not in any way, disqualified for promotion, and that the General Manager should consider his case for promotion to officiating grade. Ext. W/18 is a copy of another communication dated 30th June 1958, sent by Shri Chadha, to the General Manager, drawing attention to his letter dated 28th May 1958, and complaining against his supersession by a clerk, Shri Dargon, who had been given a chance to officiate as an officer in New Delhi Office. Ext. W/20 dated 14th January 1959 is a communication, confirming the telegram sent by the General Secretary, and the Association protesting against the supersession of Shri Chadha. Ext. W/19 is a communication sent to the General Manager by Shri Chadha. Ext. W/21 dated 7th February 1959 is the order of the Controller. This was in answer to the letter of Shri Chadha dated 27th November 1958, addressed to the Head Office. The Controller decided, that Shri Chadha had not been found fit to be promoted as an officer, that therefore, his representation against the decision already arrived at, had been rejected, and that the management was convinced that his supersession was for good and cogent reasons.

10. The objection was taken, that the dismissal of the representation made by Shri Chadha, by the Controller, was not in accordance with law. Ext. M/12 is a copy of the communication addressed to the General Manager of the Bank by the Association, and dated 1st March 1959. Ext. M/13 is the representation, that was made to the General Manager dated 27th February 1959 by Shri Chadha in connection with the order passed by the Controller. Then an agreement Ext. W/2 was arrived at in the presence of the Conciliation Officer, between the Bank and the Association. It was agreed therein, that the appeals preferred to the General Manager by Sarvashri Chadha, Tek Chand Malik, and S. P. Sharma, should be disposed of by the General Manager, and that the General Manager would communicate his decision as early as possible, and not later than September, 20, 1959. Annexure B to Ext. W/8 is a copy of the decision of the General Manager dated

11th September 1959, rejecting the appeals. In the last paragraph of Annexure B it is stated as follows:—

“Merely because a member is senior in service by a couple of months or even years or even that he has worked in all the Departments and was well reported upon does not ipso facto entitle him to claim to be promoted, as the post of an officer in a Bank calls for many other requirements which may not be found in a senior member. In the light of the circumstances of this case we are satisfied that the decision taken by the New Delhi Management in allowing Mr. Dargon to officiate as Officer in the leave vacancy was justified and the member merited such consideration”.

It will thus be seen, that the General Manager up-held the recommendation, and the action taken by the local manager of the New Delhi Branch superseding Shri Chadha.

11. The contention on behalf of the workman is, that his supersession by his juniors in service, Sarvashri G. R. Dargon and R. R. Nagar, is invalid, and contrary to law, and unjustified, and that it is opposed to the provisions of paragraph 529 of the Sastry Award. In the first place, it is important to note, that Shri Chadha was the senior most of the three. The dates of appointment have been set-out in the representation made by the Association, and I have already drawn attention to the fact, that there is no contradiction of the claim put-forward in the claim statement, in the written statement filed on behalf of the Bank. Moreover, attention may be drawn to Ext. M/3 dated 2nd January 1959, which is a communication sent by the General Manager to the Agent of the local branch, New Delhi. Therein the order of seniority is set out. It is well established, that Shri Chadha was senior to Sarvashri Dargon and Nagar. It has however been pointed out on behalf of the Bank, that Shri Dargon had joined as an unpaid apprentice in 1943, and that he was a son of a former Head Clerk of the Bank. Be this as it may, his service in the Bank was counted only as from 1st March 1944, which is also the date mentioned in Ext. M/3. In Ext. M/4, which shows a list of increments, the date of appointment in the Bank of Shri Chadha is shown to be 7th July 1943, and that of Shri Dargon 1st March 1944. It is, therefore, well established, that Shri Chadha was the senior most in service, and that he was senior to Shri Dargon and Shri Nagar.

12. However, it is contended on behalf of the Bank, that mere seniority in service is not the sole criterion in the matter of promotion, and that other things also should be taken into account. In Chapter XXVII regarding promotions, it is laid down in Paragraph 529 of the Sastry Award, that no hard and fast rule can be laid down in connection with promotion, and that, while there was no doubt, that seniority in service should be one of the most important factors to be taken into account for the purpose, it could not be said, that mere length of service alone, irrespective of efficiency, educational qualifications, character, and nature of the responsibility required in connection with the vacancy to be filled, should be the sole, or even the main criterion for promotion. It is laid down as follows at page 148:—

“We further direct that in the case of employees, who are not found fit for promotion, the decision should be borne out by service records of the employees, and that when a person senior in service is superseded, it should be for good and cogent reasons. We recommend, that such an employee should have the right to appeal to the General Manager, or the Managing Director, who should consider the appeal with an open mind, and revise the decision, if necessary, and that such appeal should not be treated as an act of indiscipline on the part of the employee by the officers under whom he may be working.”

13. It has been argued on behalf of the management, that, in the matter of promotion, the Bank has an absolute discretion, and it cannot be questioned, and that this Tribunal has no right to interfere with the order passed by the management. In my opinion, the above argument is not entitled to succeed. No doubt, it has been generally recognised, that promotion is a management function, but it must be understood, that there is an award, governing the rights of the parties, and the action of the Bank has to be tested in the light of the provisions of the Sastry Award in Paragraph 529. In other words, it is legitimate to consider, whether the supersession of Shri Chadha, who was senior in office, is for good and cogent reasons, as laid down in the Award. Granting, that the Bank has discretion in the matter, it can by no means be said, that it has an arbitrary

discretion, and that no tribunal has the right to interfere with the exercise of such discretion, even if it is found that it is arbitrary, or capricious. In my opinion, the action of the Bank has to be tested in the light of the directions in the Award in Paragraph 529, and it is necessary to consider, whether the supersession of Shri Chadha was for good and cogent reasons, and whether the discretion in superseding him was properly exercised.

14. It is important to note, that it is laid down in Paragraph 529, that, along with seniority, efficiency, educational qualifications, character, and nature of responsibility, required in connection with the vacancies to be filled, are also relevant matters to be taken into consideration. Taking the service file into account, Ext. M/4, contains the earliest remarks made against Shri Chadha and they are as follows:—

"Efficient all round worker, deserving encouragement. We strongly recommend that a special double increment be given."

It is in evidence, that Shri Chadha had previous banking experience before he joined The Central Bank of India. He has sworn, that he had worked for 7 years in Ichhra Cooperative Bank, and National Bank of Lahore Limited. Therefore, in addition to the fact, that Shri Chadha was senior to the two others, he had also previous banking experience of 7 years. It was on account of this, that he was given a start of Rs. 50/-. The evidence shows, that at that time a new entrant was started at Rs. 35/- at Lahore, and Rs. 30/- at New Delhi. It is hardly possible to hold, that he would have been started at Rs. 50/- at Lahore, but for the fact of his previous banking experience. The remarks above referred to in 1949 show, that he was an efficient all round worker, and he was recommended double increment. Against Shri Dargon the entry is as follows:—

"Good and willing worker, deserving encouragement. We recommend Rs. 10/- as special increment."

15. Nextly, reference may be made to Ext. M/5 dated 23rd May 1953, a letter addressed to the Controller by the local Agent, Shri Pardiwala. Against Shri Chadha the remarks are as follows:—

"Industrious and conscientious. Has worked in one department only for a number of years, namely, Establishment and Statistics, in which he is very good. Till he is shifted to other departments it is difficult to judge his overall capacity."

With reference to Sarvashri Dargon and Nagar, it is stated in Ext. M/5, that comments had already been made on previous occasions.

15. We have Ext. M/3 dated 2nd January 1959 a letter addressed to the Local Agent, Shri Pardiwala by the General Manager of the Bank. It is mentioned therein as follows:—

"We are, therefore, at a loss to understand, why in spite of Mr. Chadha's seniority in service and salary and in the face of your own such satisfactory report about him, his case has been over-looked, and Mr. Dargon, a junior hand, has been posted to work as officiating officer." It was also pointed out, that the fact, that Shri Dargon might have been posted to work as officiating Officer twice in the past would not justify his being allowed to supersede an equally capable and senior hand, whose work and capacity had been so well reported upon by the Local Agent. The General Manager again wrote as follows in page 3 of Ext. M/3:—

"In view of what has been stated above, and in all fairness Mr. N. R. Chadha who is senior to Mr. Dargon and is according to your own report a capable and experienced hand, should be given preference to officiate as Officer, in place of Mr. Mathur". The Bank directed the Local Agent to revert Shri Dargon to his previous post and post Shri Chadha to Officiate as Officer in Mr. Mathur's place.

16. In Ext. M/3 the General Manager also wrote that Shri S. P. Sharma was the senior most, but that his case could not be considered. With reference to Shri Chadha, the next senior man, the General Manager pointed out, that in his letter dated 19th August 1958 the Local Agent had stated as follows:—

"Appointed in Lahore on 7th July 1943. Ever since his transfer to this office, when the office was opened here, he has worked for the major period in the Establishment and Statistics Departments. He has thus

a very good grasp of accounts, preparation of balance sheets and compilation of various statistical statements in which work he surpasses all others in this office. We are also informed that in Lahore he had occasions to work in various other departments excepting in Foreign Bills. Recently when we had great shortage of hands we had put him to work in various departments and he satisfied us completely. We have, therefore, reasons to believe that he is an all round worker. With all this, he is quite swift and accurate and of a calm temperament. He is fully capable of handling responsible work. He is an asset to this Office."

17. It will, therefore, be seen, that the requirements of efficiency, character, and capacity to bear responsibility and other considerations, to be taken into account in the matter of promotion were satisfied in the case of Shri Chadha. When the above requirements are satisfied, it is not easy to understand, how the Bank endorsed the action of the Local Manager, in superseding Shri Chadha. In fact in the letter, Ext. M/2, dated 9th January 1959, the General Manager of the Bank wrote to the Local Agent, Shri Pardiwala, in connection with the protest sent by the Association dated 4th January 1959, that the Agent's action in recommending and posting a junior hand to work as an officiating officer in supersession of the claim of a senior and deserving hand, at the local branch office, had created unnecessary trouble, and difficulty at the Head Office. It is further stated as follows:—

In view of your own satisfactory reports about Shri Chadha, and the facts of his case on record, it will not be possible to justify the posting of Shri Dargon and Shri Nagar as officiating Officers in preference to Shri Chadha. "The Local Agent's attention was drawn to the letter of the Head Office, dated 2nd January 1959, i.e. Ext. M/3, and to the instructions contained therein, that Shri Dargon should be reverted to his previous post, and that Shri Chadha should be posted to officiate as Officer in Shri Mathur's place. The Local Agent was asked to confirm by return post.

18. In answer to Ext. M/3, the Local Agent wrote Ext. M/1, dated 9th January 1959, justifying his action. He stated therein, that Shri Dargon was the best clerk of the office, that he had on several occasions demonstrated his loyalty and devotion, and that, if he was reverted, he would feel bitter and frustrated, and would not give his best to the Bank. With reference to Shri Chadha, Shri Pardiwala wrote, that he did not favour his promotion, and that he must give unmistakable proof about his loyalty and devotion to work and that if at all, his case for promotion was to be considered in future.

19. Apparently, after this, the Controller wrote Ext. W/21, dated 7th February 1959, disallowing Shri Chadha's claim.

20. On behalf of the Bank, emphasis is laid on Ext. M/1, and the circumstances, as set out therein, as affording cogent and satisfactory reasons for superseding Shri Chadha. Firstly, it is mentioned in Ext. M/1 that Shri Dargon had actually joined the Bank on 15th May 1953 and worked as an unpaid apprentice till 1st March 1944, and that this should not go against him. It was not proper for the Local Agent to take into account the period of service as unpaid apprentice, in order to make it out, that Shri Dargon was senior to Shri Chadha. This position has been demonstrated to be untrue, and the documents, as set out above, cannot be ignored. There is no denying the fact, that Shri Chadha was senior to Shri Dargon, and in addition had previous banking experience of 7 years.

21. Secondly, the Agent stated, that, in the past on several occasions, Shri Dargon's work had been commented upon, and that he was considered to be the best clerk in the Office. He might have been a good clerk but his efficiency was not greater than that of Shri Chadha, in respect of whom the Agent had made the remarks, as set out in Ext. M/2. As was pointed out by the General Manager, Shri Chadha was an equally capable and senior hand, whose work and capacity had been well reported upon by the Agent. There are no grounds for holding, that he was very much better and more useful than Shri Chadha, as stated by the Agent. However attention has been drawn to the fact, that Shri Chadha had not worked in all the Departments of the Bank. It is alleged in Ext. W/21, that Shri Chadha had been reported to have no knowledge of the working of Foreign Bills, over-drafts, and C.C.M. Departments. This however is opposed to the remarks in Ext. M/4, wherein he was described to be an all rounder. This is also against the remarks of the Local Manager, as set out in Ext. M/3. Therein it was written,

that he had occasion to work in various other departments, except Foreign Bills. In his present evidence, Shri Pardiwala says, as MW/1, that Shri Chadha had worked only in the Establishment and Statistics Departments. Within his knowledge he had not worked in many departments of the Bank. He appeared to have poor grasp of the work of the other departments, compared to the other two clerks. This evidence is however not consistent with his previous remarks reported in Ext. M/3. Moreover, Shri Pardiwala admits in cross-examination, that he does not know, if Shri Chadha had worked in C.C.M., Over Draft, and Loans Departments, in other Branches. He does not know, if Shri Chadha had worked in C.C.M., in Ambala City Branch. The witness states, that he was not working in New Delhi Branch in 1956. He joined it in 1957. It is admitted, that Shri Chadha worked at Ambala City. MW/1 next adds, that it appeared to him, that his work was poor in other departments. He questioned employees and formed impressions about their work. When his attention is drawn to Exts. M/5 and 7, he states, that the remarks in both are correct, one was written in June, and the other in August. The evidence of Shri Chadha is, that he had worked in Loans, C.C.M., and over Draft. He had not worked in the Foreign Bills Department. He did request the management to permit him to work in the Foreign Bills Department. In face of the remarks of Shri Pardiwala in Exts. M/4, 5 and 7, it is idle to question the efficiency of Shri Chadha, as an all round worker. It may be, that he had not worked in the Foreign Bills, but this was not taken as a ground dis-entitling him to promotion in Exts. M/2 and 3 by the General Manager himself, who directed, that Shri Dargon should be reverted, and that Shri Chadha should be posted. In spite of the fact, that he had not worked in Foreign Bills, Shri Chadha was considered an equally good and capable hand, deserving promotion. It is perfectly obvious, that Shri Chadha was no less efficient and experienced than Shri Dargon. It has also been contended before me, that there are many officers in the Bank, who had not worked in Foreign Bills. I may refer in this connection to the evidence of Shri Pardiwala himself as follows:—

"In my branch Shri Nagar had not worked in Foreign Bills, Over-Draft, Loans, Sales Purchase, Establishment, and Statistics." Still he was considered fit for promotion. Shri Pardiwala also states, that Shri Chadha may have orally and in writing requested him to permit him to work in the Foreign Bills Department. Apparently, this request was not acceded to. His evidence is, that it was not possible to allow Shri Chadha to work in Foreign Bills Section from the practical point of view. The fact, of Shri Chadha not having worked in the Foreign Bills, is not a good and cogent reason for superseding him. It is well established on the evidence that Shri Chadha was an equally good and capable hand, and that he was no whit inferior to Messrs Dargon and Nagar in the matter of efficiency character, and capacity to bear responsibility and to be an Officer of the Bank.

22. Nextly, it is stated in Ext. M/1, that recent instances had led the Agent to doubt Shri Chadha's loyalty to the Institution. According to Ext. M/1 a petition was sent in connection with the balancing of H. S. S. Ledgers. Ext. W/3 is a communication dated 18th December 1958, sent to the Agent. Therein it was stated, that H. S. S. Ledgers allotted for the work of half year ended 31st December 1958, were being distributed among other members for the reason that the applicants had shown their inability to work on contract basis, as desired, that to compel employees to work overtime on contract basis was against the directions of the Award, that the employees must get payment for the actual overtime put in by them, and that the Agent should not permit the introduction of the contract system, and that the applicants should get the actual overtime for the work done. Ext. M/10 is an office order passed by the Agent, wherein it was pointed out, that the order dated 8th December 1958 was not on contract basis. It was further ruled, that, with reference to the representation, to the effect, that actual overtime work should be assessed and paid for, such assessment was not possible, and that the representation could not be considered. The Departmental Incharge was instructed to make alternative arrangement to get the job completed by the 20th, the latest. It is mentioned in Ext. M/1, by Shri Pardiwala, that arrangement had to be made for posting of interest, and balancing of H. S. S. Ledgers, that on 18th December 6 clerks led by Shri Chadha had made a representation, that they had to submit their bills for actual overtime, knowing full well, that it was not possible to keep a check on such overtime, that such had not been done in the past, and that the move was timed with a view to up-set the half yearly closing of bank accounts. There is further mention of the fact, that the Agent sent for Shri N. R. Chadha, to tell him, that,

if that was his approach, it was not possible for the management to consider his case for promotion at all. It will be seen from the representation, that was made, that the applicants took exception to doing work on contract basis. It has been increasingly recognised, that work on contract basis should be limited to the very minimum, and in fact such work is discouraged. Apart from the above, if the workmen made a representation, that they must be paid overtime wages, on the basis of the work actually put in by them, and in accordance with the provisions of the Award, it is difficult to understand how this can be considered dis-loyalty to the Institution. The fact, that such a representation was made on 18th December 1958, just before the half yearly closing of bank accounts, cannot be taken to establish, that the applicants, including Shri Chadha, wanted to up-set the work of the Bank, or that they were dis-loyal to the Bank. The difficulty in assessing overtime work was no answer to carrying out the provisions of the Award. The reason, put-forward by Shri Pardiwala in Ext. M/1, is untenable, and the above representation in Ext. W/3, in connection with H. S. S. Ledgers does not bear out the contention of the Bank. The evidence of Shri Pardiwala is, that at the time of half yearly closing of accounts, there are a number of books to be balanced. The clerks, working in the other departments, are employed to balance Ledgers. Then the Bank allows certain amount of overtime. It is not possible to control, or supervise the overtime work. If a clerk insists upon actual overtime being computed, which it is not possible for any of the officers to survey, he only hampers the work. This evidence really shows, that Shri Pardiwala was not even prepared to abide by the provisions of the Award, in regard to payment for overtime work, as continued in Paragraph 304 and also particularly sub-para (3) and (5). Shri Pardiwala says, that he is not aware, that he had infringed any of the provisions of the award. He next adds, that there is something known as the spirit of the Award, and that he was acting according to the spirit of the Award. Refusing to abide by the provisions of the Award, regarding payment of overtime, cannot be considered as acting according to the spirit of the Award. On the other hand, it must be noticed, that Ext. W/3 is signed not only by Shri Chadha, but also by others. Shri Pardiwala also says, that Shri Chadha might have worked for 9 hours overtime, and may have claimed for a lesser period. When he is asked the question as to how Shri Chadha was dis-loyal to the Institution, the evidence of Shri Pardiwala is, that he made the representation deliberately, with a view to see, that the work of the office was dis-organised, and that he could always count on a few friends, joining him in this. The above evidence of Shri Pardiwala does not prove, that Shri Chadha was dis-loyal to the Institution. If Shri Chadha and other members of the establishment requested adherence to the terms of the award, such cannot be termed dis-loyalty, dis-entitling the employee to promotion. Shri Pardiwala admits, that he had not studied all the relevant clauses of the Award. The accusation of dis-loyalty, on account of Ext. W/3, merely betrays an unwillingness to observe the provisions of the Award, or ignores the terms of the same, in the matter of payment of wages for overtime work. The accusation of dis-loyalty and sabotaging of the work of the Bank, based upon Ext. W/3, is untenable and must be rejected. The next accusation is that not having been able to upset the work in the matter of half yearly closing of bank accounts Shri Chadha made an application for leave from 15th instant, and thereby held the Bank to ransom, and that promotion of such a man could never be justified, and when his loyalty was in doubt. In this connection on behalf of the workman reliance is placed upon Ext. W/4, which is produced as the leave application, that was given by Shri Chadha. There is reference therein to a leave application dated 15th December 1958 for 45 days leave with effect from 15th January 1959 onwards. This shows, that the application was given for grant of leave which was to commence long after the half yearly closing of bank accounts. In Ext. W/4 it is mentioned, that Shri Chadha had not been able to secure the material required for repair and alteration of his house, and that the leave applied for may be granted from 1st March 1959. When Shri Pardiwala was asked about Ext. W/4, he says, that he does not know anything about it. The contention on behalf of the workman is, that he made the application for leave one month in advance, in accordance with the terms of the Bank Award, that he asked for leave only from 15th January 1959, that subsequently he asked for leave only from 1st March 1959, that there was nothing wrong in making such an application for leave, and that this conduct of the workman does not prove disloyalty, or an attempt to Sabotage the Banks Work. If the workman was entitled to leave, and if he made an application for it, I fail to see how it can be considered as an act of dis-loyalty, or an attempt to sabotage the Banks Work. Apart from this, Ext. W/3, shows, that the leave was sought to be availed of only from 15th January 1959, or 1st March 1959. Taking all circumstances into consideration

the remarks, and conclusion of Shri Pardiwala in Ext. M/I cannot be justified and on the contrary show a biased mind.

23. Nextly, it is stated, that Shri D. R. Dargon was always dependable and that he is always willing to oblige by doing other people's work. With reference to this, the evidence of Shri Pardiwala is, that he does not recollect having written to the Head Office, that Shri Chadha worked from desk to desk to clear off the arrears. Shri Chadha was no less dependable than Shri Dargon.

24. Again, it is stated, that to promote Shri Chadha and revert Shri Dargon would be punishing Shri Dargon for his loyalty, co-operation, and devotion to work. There is mention of the fact, that during the token strike in Delhi in 1956 January, Shri Dargon opened and entered the office, demonstrating his loyalty to the Institution. According to the evidence of Shri Pardiwala, the strike breaking activity of Shri Dargon was looked upon as loyalty to the Institution. A striking employee may be dis-loyal, or loyal according to his conscience. MWI says, that in his opinion, if a striking employee is conscientious it would not be disloyalty. When any question of promotion comes up before him, he does not pay any attention to an employee going on strike or not on strike. If, according to the above evidence, a striking employee is not dis-entitled to promotion, and such circumstance is not taken into account, I fail to see how there was any justification for over-looking the claim of Shri Chadha, even if he joined the strike. There is nothing to show, that he had not been conscientious. If so, there was no dis-loyalty. Even assuming, that Shri Chadha had participated in the strike, that was not a good and cogent reason for denying him promotion, when he was otherwise entitled to the same.

25. It will be seen, that the various reasons, put-forward by Shri Pardiwala in Ext. M/I, for holding, that Shri Chadha was not entitled to promotion, do not bear scrutiny, and Ext. M/I does not disclose any good or cogent reasons for denying such promotion.

26. Attention is however drawn to Ext. W/21, the statement of the Controller. It is mentioned therein as follows:—

"We are informed by the Agent, New Delhi, that in view of the nature of responsibility involved for working as an officer, he has not been found willing to undertake responsibility. The Agent has also found, that Mr. Chadha lacks initiative. As an officer, it is necessary to possess proper personality, while Mr. Chadha has been found to have flipping eyes and has poor personality. It has also been reported to us that he lacks knowledge of the working of Foreign Bills, Overdraft and CCM Departments. His attitude has not been reported to be co-operative as on last half year closing he is reported to have created difficulties."

The above document is dated 7th February 1959. There is reference to the fact of the Agent, New Delhi, having informed the Controller of unwillingness on the part of Shri Chadha to undertake responsibility. There is no satisfactory evidence adduced on behalf of the Bank in support of this contention. Neither is there any satisfactory proof of the fact, that Shri Chadha lacked initiative. On the contrary, the remarks made by the Agent in Exts. M/5 and 7, and the remarks made by the General Manager in Exts. M/2 and 3, negative such an accusation. Nextly, it is stated, that Shri Chadha had poor personality & "flipping eyes". It is not disclosed, how Shri Chadha lacked in personality. No such suggestion can be found in the documents referred to above. On the contrary, when he appeared before me in the witness-box, I did not find Shri Chadha of poor personality. I am not able to understand, what the Controller meant by "flipping eyes". The evidence of Shri Chadha is, that he had some eye trouble after his supersession, and not before. Again, the Controller remarked, that the Agent had reported, that Shri Chadha was lacking in the knowledge of work of Foreign Bills, Over Drafts, and C.C.M. Departments. This has been found to be true only in respect of Foreign Bills, and this did not prevent the Agent from making the remarks, as he did in Exts. M/5 and 7. Nextly, there is mention of the fact, that Shri Chadha's attitude was non-co-operative, as proved by the incident in relation to the half-yearly closing of bank accounts. I have already referred to Ext. W/3, and the other evidence in connection therewith and this accusation is unfounded. An examination of the Controller's order establishes, that, it is really based upon Ext. M/I, which, I have found above, does not contain any good or cogent reasons for supersession. The other circumstances referred to in Ext. W/21 have also not been established, and no weight can be attached to the same.

26A. In this connection the contention on behalf of the workman is, that there are two rival unions in regard to the employees of the Bank, and that The Central Bank Employees' Union is a stooge union, that the management are favouring the same, and frowning upon the Delhi State Central Bank Employees' Association, of which Shri Chadha is a member, and that the members of the Association are being singled out for attack. Endeavour has been made on behalf of the Association to establish, that the Union is receiving favourable treatment from the Bank, and that its members have been considered for promotion in preference to members of the Association. Attention has been drawn to Ext. M/8, which contains a list of persons promoted from clerical cadre to officer grade from 1956 to 1959. On behalf of the workman, Ext. W/7 has been filed to show the list of office bearers, and active workers of the Central Bank Employees' Union, who had found favour with the management, and had obtained promotion. One remark in Ext. M/1 is pertinent. It is stated at page 6 as follows by the Agent:—

"In our obsession with unions, we are likely to overlook such very deserving cases."

In spite of the denial of Shri Pardiwala, I have no doubt at all, that he is not well disposed towards the office bearers and members of the Association, and that he made an adverse report against Shri Chadha, because of his union affiliation. The contention on behalf of the workman, is that Shri Pardiwala was vindictive towards Shri Chadha and that this conclusion is well supported on the evidence, in spite of the denial of the Agent to the contrary. Be this as it may, there is no doubt that the Agent was unreasonably prejudiced against the workman.

27. Considering all circumstances, and the evidence on record, it is perfectly obvious, that the supersession of Shri Chadha is not for good and cogent reasons. On the otherhand, it is an act of victimisation, and unfair labour practice, on account of his union activities, and on account of his insisting on the observance of the provisions of the Award. The action of the Bank lacks in *bona fides*, and the same cannot be supported. I find, that the supersession of Shri Chadha by the promotion of Shri G. R. Dargon and Shri R. R. Nagar, is unjustified, that it is not *bona fide*, and that it cannot be up-held.

28. The next point is about the relief, to which Shri Chadha is entitled. In view of my finding, as above, it is clear, that Shri Chadha is entitled to be promoted to the post of a Junior Officer. Accordingly, the Bank shall give him promotion to the post of a Junior Officer, and post him as such in the next available vacancy. He is entitled to the difference in pay, which he would have drawn in May and June, 1958, had he been posted as Junior Officer in those months.

29. There is a further claim on behalf of the Union, that Shri Chadha should be paid such difference in salary from 31st December 1958 onwards to date. There is no satisfactory or acceptable evidence before me to prove, what were the vacancies for such Junior Officers, in which Shri Chadha could have acted, and what the duration of such vacancies was. I do not consider, that claim has been satisfactorily established on the evidence, and this item of relief cannot be granted to him.

30. In the result, an award is passed as follows:—

(i) The supersession of Shri N. R. Chadha by the promotion of Sarvashri G. R. Dargon and Raja Ram Nagar is unlawful and unjustified.

(ii) The management of The Central Bank of India Limited, shall promote Shri N. R. Chadha to the post of Junior Officer, and post him as such officer in the next available vacancy, in regard to such post. The management shall also pay Shri Chadha the difference between the salary, which he actually drew for the months of May and June, 1958, and the salary, which he would have drawn, had he been promoted, and posted, as Junior Officer, during these months.

(iii) The claim for payment of such difference from 31st December 1958 till today cannot be allowed.

(iv) There will be no order as to costs.

(Twenty-four pages.)

The 14th June, 1960.

Sd/- E. KRISHNA MURTI.
Central Govt. Industrial Tribunal Delhi.

[No. LR11-10(164)/59.]

S. N. TULSIANI, Under Secy.

ORDER

New Delhi, the 15th July 1960

S.O. 1835.—Whereas the employers in relation to the Bombay Port Trust, Bombay and the Bombay Port Trust General Workers' Union, have jointly applied to the Central Government for reference of an industrial dispute to a Tribunal in respect of the matter set forth in the said application, and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the said Bombay Port Trust General Workers' Union represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whereas an industrial dispute exists between the Bombay Port Trust and its workmen represented by the B.P.T. General Workers' Union and it is expedient that the dispute specified in the enclosed statement should be referred for adjudication by a Tribunal an application is hereby made under Section 10(2) of the Industrial Disputes Act, 1947, that the said dispute should be referred to a Tribunal.

A statement giving the particulars required under rule 3 of the Industrial Disputes (Central) Rules, 1957, is attached.

Dated the 21st May, 1960.

Sd/-

Signature of Principal
Officer of the
Corporation.

Sd--

Signature of the
Secretary of the
Trade Union.

Sd/-

President
B.P.T. General Workers' Union.

Statement required under rule 3 of the Industrial Disputes (Central) Rules, 1957, to accompany the form of application prescribed under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947:—

(a) Parties to the dispute including the name and address of the establishment or undertaking involved.

(i) The Bombay Port Trust, Ballard Road, Bombay-1.

(ii) The Bombay Port Trust General Workers' Union, Kavarna Building, 28-Frere Road, Bombay—9.

(b) Specific matters in dispute.

Whether the Butcher Island. (Residence) Compensatory Allowance sanctioned by the Bombay Port Trust with effect from 1st April 1959 for the Fire Service personnel and Shore Crews at Butcher Island, should be given retrospective effect from 14th April 1958.

(c) Total number of workmen employed in the undertaking affected. About 23,000.

(d) Estimated number of workmen affected or likely to be affected by the dispute. About 175.

- (e) Efforts made by the parties themselves to adjust the dispute. The parties held discussions but were unable to reach a settlement. They accordingly signed an agreement, as a result of conciliation proceedings held by the Regional Labour Commissioner (Central), Bombay, agreeing to sign a joint application for reference of the dispute to adjudication.

Sd/- A. MAITRA

21st May, 1960

General Secretary,

B.P.T. General Workers' Union.

Sd/- G. H. KALE,

President,

B.P.T. General Workers' Union.

Sd/-

Signature of Principal
Officer of the Corporation.

[No. 28/37/60/LRIV.]

G. JAGANNATHAN, Under Secy.

